Letter from the Sanitary Commissioner for the Government of Bombay, No. 3801-B., dated the 24th August 1897—Submitting his remarks with reference to Government memorandum No. P.—1210-P., dated 12th idem; and observing as follows:—

"* * * He (the vaccinator) was placed at the disposal of the Plague Committee and ordered to do plague work, a work of quite a different character, without, as far as I can gather, any extra inducement being held out to him to do it. Having reason to believe that men of a much higher training (such as men medically trained though not in Government service) had refused to come forward to do plague duty, I thought that a man who was suddenly transferred from vaccination work to plague work and absconded through fear, as no doubt he did, did not deserve to lose the fruits of 21 years' service and so I wrote letter No. 3000-B. of 30th June 1897, a copy of which is in the papers attached. The 'probable loss of promotion' is very probable indeed, but it was put in that particular way as unforeseen circumstances might arise in the future.

"He was ordered to recommence vaccination work in Hyderabad again as there was no candidate available."

RESOLUTION.—The vaccinator, Tirithmal Vadhumal, absented himself without leave from his *ordinary* duties at a particularly critical period. The punishment which the Sanitary Commissioner proposes for this very serious breach of discipline appears to Government utterly inadequate.

2. Whether the vaccinator could rightly object to being employed on plague duty, or whether such employment should entitle him to special remuneration, are matters beside the immediate question. His offence was sufficient to justify his dismissal.

3. As, however, a more lenient course has been recommended, the Governor in Council will not take exception to the man being allowed to resume his duty, but no indulgence can be granted in respect of the period for which he absented himself from his post, and he must take all the consequences which such absence without leave entails.

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(15)

CIRCULAR.

No. 3150 OF 1867.

POLITICAL DEPARTMENT.

FROM

C. GONNE, ESQ.,

Secretary to Government, Bombay;

To

THE SECRETARY TO GOVERNMENT,

Revenue, General and Financial Departments.

(For such action as may be deemed necessary.)

SIR,

I am directed to communicate to you the subjoined extract from a letter from the Government of India, dated 11th September, No. 1543 of 1867.

It was proposed to the High Courts of Bengal and North-Western Provinces to issue a Circular order to the following effect:—

"A variety of practice and consequent doubts having been found to exist as to the manner in which Native gentlemen, who have adopted the English habit of dress in respect of boots or shoes and stockings, should be allowed to appear at receptions, public and private, and in Courts of Justice, His Excellency the Governor General in Council has been pleased to prescribe the following rule for general observance in the Political Department:—

"Native gentlemen, distinctly habited as above, shall not be required to take off their shoes or boots upon any occasion, whether the Court or place of public or private reception be carpetted or not."

2. The Right Honourable the Governor in Council is of opinion that this rule should be generally adopted in the Bombay Presidency. In making this intimation for your guidance I am to remark that in the Political Department the rule applies only to the officers employed by the British Government, and will have no direct bearing upon the Darbars of the Native Chiefs themselves.

Bombay Castle, 9th October 1867.

No. 1716.

GENERAL DEPARTMENT.

Bombay Castle, 15th October 1867.

Copies may be forwarded for the information of the Revenue and Survey Commissioners, the Commissioner in Sind, the Commissioner of Customs, the Collector of Bombay, the Conservator of Forests, the Inspector-in-Chief, Cotton Department, the Inspector General, Indian Medical Department, the Accountant General, and the Mint Master.

No. 722.

Extract from the Proceedings of the Government of Bombay in the General Department, dated 20th April 1868.

Read the following papers :—

"Resolution by the Government of India in the Foreign Department, General, No. 514, dated 19th March 1868 :—

Read again the undermentioned papers :

Notification dated 19th December 1854, No. 5356.

Docket from Officiating Secretary, Public Works Department, North-West Provinces, dated 27th February 1867, No. 607.

Letter from First Assistant Agent, Central India, dated 14th May 1867, No. 14-75.

From Registrar, High Court, North-West Provinces, dated 19th June 1867, No. 1294.

From Officiating Registrar, High Court, Calcutta, dated 24th July 1867, No. 2236.

Circular, dated 11th September 1867, No. 1543.

Read also the following replies to the abovementioned circular :

From Resident in Nepal, dated 21st September 1867, No. 16.

From Resident in Hyderabad, dated 9th October 1867, No. 47.

From Political Agent, Manipore, dated 24th October 1867, No. 61.

From Agent, North-East Frontier, dated 30th September 1867, No. 320.

From Agent, Rajputana, dated 30th September 1867, No. 1196-72-G.

From Agent, Central India, dated 10th October 1867, No. 64-300.

From Officiating Commissioner, Mysore, dated 5th November 1867, No. 4334-111.

From Secretary to Chief Commissioner, Burma, dated 2nd November 1867, No. 6 M-204.

From Secretary to Chief Commissioner, Central Provinces, dated 6th January 1868, No. 52-370.

From Secretary to Chief Commissioner, Oudh, dated 10th January 1868, No. 182.

From Secretary to Government, Punjab, dated 23rd September 1867, No. 345-1390.

From Secretary to Government, North-West Provinces, dated 11th January 1868, No. 8.

From Secretary to Government, Bengal, dated 10th January 1868, No. 167.

From Secretary to Government, Fort St. George, dated 4th December 1867, No. 325.

From Secretary to Government, Bombay, dated 8th October 1867, No. 241.

RESOLUTION.—For some time past the Government of India has had under its consideration the manner in which Natives of India who had adopted the European style in respect to boots and shoes should be permitted to appear on official or semi-official occasions in the presence of the servants of the British Government. The matter is not devoid of importance, as affecting the treatment of the upper classes of Natives by British officers.

2. After consulting all the principal officers in the country, civil and political, the Governor General in Council is of opinion that a definite and specific rule on the subject has become necessary.

3. At some of the Presidency towns and other large stations a practice has grown up whereby Natives wearing boots and shoes of European fashion are permitted to appear on all official and semi-official occasions before the highest functionaries of Government. The practice has for many years been allowed at Government House in Calcutta, and was definitively settled by Notification No. 5356, of the 19th December 1854, in the Foreign Department. It is now deemed requisite that the same privilege should be allowed throughout the Bengal Presidency; otherwise there would arise grave inconvenience if Natives of position and consequence, who had enjoyed this concession at the capital and before the Viceroy, were to be denied it before any British officers at the stations in the interior of the country. And unless the social practice at the Presidency be prescribed for observance everywhere *quoad* the servants of Government, and for official or semi-official occasions, individual officers at a distance might have doubt as to what course to pursue, or individual Native gentlemen might feel uncertain as to what they are or are not entitled to do; and thus embarrassing personal questions might from time to time arise.

4. His Excellency in Council is, therefore, pleased to rule that all Natives of India wearing boots or shoes of European fashion may appear thus habited before all the servants of Government, in all places within the Bengal Presidency and its dependencies, on all official or semi-official occasions, including Darbars of all descriptions. In the case of Natives wearing shoes of Indian fashion, the old social practice whereby such shoes must be taken off within the customary limits, will be maintained by the servants of Government in the official or semi-official capacities.

5. In the High Courts established by Royal Charter it will, of course, be for the Judges to decide whether any rule on the point is required for those Courts.

6. As already stated, this Resolution is only to be applicable to the Bengal Presidency and its dependencies. But a copy of this Resolution will be sent to the Governments of Madras and Bombay, for their information.

Memorandum by the Secretary to the Government of India, No. 515.

ORDERED, therefore, that copies be sent to all Departments * of the Government of India, to the Governments of Madras and Bombay, and to all Local Governments, Chief Commissioners, Residents and Agents to the Governor General, which are subordinate to the Government of India."

* Home Department.
Financial Department.
Military Department.
Public Works Department.
Secretary to the Government of Fort St. George.
Secretary to the Government of Bombay.
Secretary to the Government of Bengal.
Secretary to the Government of North-Western Provinces.
Secretary to the Government of Punjab.
Chief Commissioner of Oudh.
Chief Commissioner of the Central Provinces.
Chief Commissioner of Burma.
Commissioner of Mysore.
Commissioner of Coorg.
Agent to the Governor General in Rajputana.
Agent to the Governor General in Central India.
Agent to the Governor General, North-East Frontier.
Resident in Nepal.
Resident at Hyderabad.
Political Agent, Manipore.
Political Agent, Turkish Arabia.
Director General of Telegraphs in India.

RESOLUTION.—Copies of this Resolution should be communicated to all Civil Departments, with an intimation that these rules are to be held in force in this Presidency.

2. A transfer should be made to the Political and Judicial Departments for the issue of orders to all officers subordinate to them, a reference being made to the High Court in regard to District Judges and their Assistants.

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(16)

Epidemic Diseases — Cholera.

No. 1746.

GENERAL DEPARTMENT.

Bombay Castle, 11th June 1875.

Letter from the Acting Sanitary Commissioner, No. A.—497, dated 2nd June 1875—Stating that, with the exception of the Collectorates and State marginally noted, no intimation of the existence or progress of cholera in the Presidency has been received in his office up to date, and that it appears from the record no definite instructions have been issued by Government on the subject. Also stating that a letter, dated 30th December 1870, from Colonel Bell, then Sanitary Commissioner, was addressed to the Commissioner in Sind and the two Revenue Commissioners, requesting those officers to impress on all District and Police Officers the necessity for the early communication of intelligence regarding outbreaks of epidemic disease, more especially of cholera; that these officers accordingly issued circulars to that effect, but that it seems that the matter has escaped recollection. Suggesting, therefore, for consideration, the desirability of orders being issued to all officers of Government, whether Civil or Military, to afford early intelligence of the outbreak of cholera to the Sanitary Commissioner, and keep him informed daily of its progress until the disease has disappeared from the locality.

Collectorate or State.	Town, Jail or Regiment.	Last date received.
Khándesh ...	Bhusáwal	24th May.
	Chopda	10th ,,
Násik ...	Násik Town ...	10th ,,
	Yeola	27th ,,
Kaira	Nadiád	12th ,,
	Borsad	7th ,,
Ahmedabad ...	Ahmedabad City ...	26th ,,
Poona	Yerrowda Jail ...	27th ,,
Baroda	22nd Regiment ...	3rd ,,

RESOLUTION.—In case of outbreak of cholera or other serious diseases, reports should be forwarded weekly (or oftener if the District Officer thinks necessary) to Government through the Sanitary Commissioner. These reports should contain full accounts of the preventive measures adopted, and the Sanitary Commissioner should note, with such other observations as he may deem necessary, whether the measures adopted are such as he considers best under the circumstances.

2. These returns will be extremely useful when submitted to the professional scrutiny of the Sanitary Commissioner in showing the measures most effectual in checking disease.

3. Of course, the Sanitary Commissioner will visit any affected locality if he thinks it desirable to do so, and will report direct to Government.

Cholera: Submission of —— reports.

No. 2607.

GENERAL DEPARTMENT.

Bombay Castle, 26th July 1888.

Memorandum from the Commissioner, N. D., No. 1426, dated 8th May 1888—Submitting copies of correspondence with the Collector of Broach, who states that at present on the outbreak of cholera in any district a report has to be submitted by the Collector to Government, the Commissioner of the Division and the Sanitary Commissioner; observes that when the outbreak is near a railway station, the Municipal Commissioner, Bombay, has also to be informed; and suggests that for the reasons given the reports submitted to Government and the Sanitary Commissioner may be discontinued.

Letter from the Sanitary Commissioner for the Government of Bombay, No. B.—1543, dated 4th June 1888—Reporting on the above; and stating that in his opinion it is advisable that Collectors should continue to report to the Sanitary Commissioner direct the appearance of epidemic disease in their districts.

RESOLUTION.—In future reports of outbreaks of cholera should only be furnished to Government direct by the Collectors in cases where the outbreak occurs in a town containing over 10,000 inhabitants or at a place of pilgrimage, and is of an epidemic and not merely a sporadic character; and in other cases which the Collectors deem to be of an unusually serious character.

2. As regards reports to Divisional Commissioners by Collectors, they should be made only when the Commissioners are on tour or the outbreak occurs at a place of pilgrimage.

3. No alteration should be made in the system under which reports are now furnished by Collectors to the Sanitary Commissioner and the Municipal Commissioner, Bombay.

4. The Sanitary Commissioner should be requested to see that the reports furnished by him to Government are sent in without delay and that Government are informed through those reports of fresh outbreaks and of increases or decreases in the number of cases. This information can easily be supplied in a suitable form prepared for the purpose.

Epidemic Disease: Orders for the submission to Government of reports regarding the outbreak of any serious epidemic disease.

No. 4562.

GENERAL DEPARTMENT.

Bombay Castle, 15th August 1898.

Resolution of Government in the Judicial Department, No. 4810, dated the 13th July 1898.—Issuing certain instructions relative to the submission of reports to Government in regard to matters of political or administrative importance, or events which have excited public interest; and stating (paragraph 5) that reports of the nature referred to should invariably be addressed to Government in the Judicial Department, and that reports regarding the outbreak of any serious epidemic disease will continue to be addressed to Government in accordance with instructions in the General Department.

RESOLUTION.—Copies of Government Resolution, Judicial Department, No. 4810, dated the 13th July 1898, should be forwarded to the Heads of Offices under the General Department.

2. In Government Resolution No. 1746, dated the 11th June 1875, it was directed that in the case of an outbreak of cholera or other serious disease reports should be submitted weekly (or oftener if the District Officer thought it necessary) to Government through the Sanitary Commissioner. In Government Resolution No. 2607, dated the 26th July 1888, certain instructions were issued about the submission of reports regarding outbreaks of cholera. No reports are, however, received by Government regarding outbreaks of small-pox or other serious epidemic disease, and the Sanitary Commissioner should be requested to submit, in addition to the reports regarding cholera, a weekly abstract of the reports regarding small-pox or other serious epidemic disease received by him under the orders of 1875 quoted above. Any very important outbreak of epidemic disease, especially one likely to affect foreign trade, *e.g.*, at Bombay or Karáchi, should be at once reported to Government by the Municipal Commissioner for the City of Bombay or the Collector of the District concerned as the case may be.

3. These orders will not apply to plague as long as the special Plague Department continues. Reports regarding plague should be submitted as usual under the instructions issued by the Plague Department.

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(17)

Fines.

No. 4113.

FINANCIAL DEPARTMENT.

Bombay Castle, 5th October 1876.

Letter from the Accountant General, No. A.P.—8958, dated 12th September 1876—Stating that Government in their Resolution No. 3514, dated 25th August last, have directed that the objection raised by his Department to the admission of a payment made to a Kárkun of the Registration Department from Fines should be withdrawn without deciding the point raised as to whether fines once levied can be appropriated at the discretion of officers; observing that the question is an important one, and involves a principle of account and audit; and soliciting an authoritative decision thereon.

Memorandum from the Accountant General, No. A.P.—9662, dated 25th September 1876—Stating that the order bearing date the 20th November 1832, authorizing Heads of Departments to assign as rewards to deserving individuals in their Departments the amount of fines levied for neglect of duty or misconduct in their duties cannot now be applied, as under the present system of account the net amount payable to an establishment, *i.e.*, minus fines, is drawn from the Treasury, and there is, therefore, no sum at credit in the accounts from which deserving individuals can be paid.

RESOLUTION.—The sanction accorded in Government Resolution No. 3514, dated 25th August 1876, was a special one, and is not to form a precedent.

2. In supersession of Government Notification dated 20th November 1832 Government are pleased to direct that fines levied by Heads of Departments from their subordinates for neglect of duty or misconduct should not be appropriated in any way at the discretion of the officers imposing them.

Forced Resignation.

Extract paragraph 4 of Government letter to the Acting Collector of Ahmedabad, No. 7561, dated 23rd July 1851, forwarded to the Revenue Commissioners for circulation with Government memorandum No. 7562 (A) of 23rd July 1851 :— .

4. His Lordship in Council altogether disapproves of Government servants being constrained, as it were, to resign by threats of ulterior proceedings should they remain in the service. If a servant has done anything to merit such proceedings, these should be taken; but to offer the alternative of resignation may be to influence the timid and honest man to do what will mar his prospects, and enable the bolder and guilty man to escape the punishment he deserves, and, as in the present case, to manufacture, at a future period, a plausible account of the circumstances which led to his resigning.

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(19)

Government Servants : Regarding the grant of legal assistance for the defence of — charged with criminal offences in regard to their official duties.

No. 3800.

GENERAL DEPARTMENT.

Bombay Castle, 5th July 1898.

RESOLUTION OF GOVERNMENT.

Government are pleased to rule that a Government servant charged with a criminal offence in regard to his official duty, who considers it necessary to obtain legal assistance for his defence, must, if he proposes to seek re-imbursement from Government, immediately refer to his official superior the question whether the case is one in which *primâ facie* it is reasonably necessary to engage such assistance.

2. The expression of an opinion by a responsible officer that the retention of professional assistance is necessary or advisable must not be understood to pledge Government, and Government will not in any case sanction the disbursement of fees for special counsel when ordinary professional assistance would have sufficed.

Government Servants : Regarding the grant of legal assistance for the defence of — charged with criminal offences in regard to their official duties.

CIRCULAR.

No. 1408.

GENERAL DEPARTMENT.

Bombay Castle, 12th March 1901.

Government Resolution No. 3800 of the 5th July 1898, General Department, laid down that a Government servant charged with a criminal offence in regard to his official duty, who considered it necessary to obtain legal assistance for his defence, must, if he proposed to seek re-imbursement from Government, immediately refer to his official superior the question whether the case was one in which *primâ facie* it was reasonably necessary to engage such assistance; and that Government would not in any case sanction the disbursement of fees for special counsel when ordinary professional assistance would have sufficed.

2. Claims recently made by certain Police officers for the re-imbursement of legal expenses incurred in defending criminal charges brought against them indicate that the above standing orders are either not generally known or not strictly observed. The Governor in Council is therefore pleased to lay down that in future no re-imbursement of legal expenses will be sanctioned in any case unless the following procedure has been strictly followed :—

(*a*) Before employing professional assistance the Government servant against whom a criminal charge has been made must apply for permission to his official superior; the latter should, if there is time, immediately refer the matter for the orders of Government, but may, if time does not permit for such reference, grant or refuse permission, subject to the approval of Government, and at once report his action to Government.

(*b*) In no case will Government sanction the re-imbursement of legal expenses at a higher rate than the following :—

For a Pleader	...	In a Magistrate's Court, Rs. 25 per diem, In a Court of Session, Rs. 50 per diem,
For Special Counsel...		In any Court, Rs. 100 per diem,

unless their previous sanction has been obtained to the payment of higher fees.

(*c*) All applications for re-imbursement of legal charges must reach Government within two months of the conclusion of the proceedings.

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(20)

NOTIFICATION.

GENERAL DEPARTMENT.

Bombay Castle, 21st February 1855.

The following Despatch from the Honourable the Court of Directors to the Government of India is republished for general information :—

"No. 18 OF 1854.

PUBLIC DEPARTMENT.

Our Governor General of India in Council:

1. In our Despatch of this date, No. 6, to the Government of Bombay we have given our views on a question submitted by that Government, viz. :—

> 'Whether a public declaration of insolvency on the part of our Civil Servants is to be regarded as a disqualification for office, or to be visited by Government with any marks of its disapprobation.'

2. In reply to this question we have said : 'We have no hesitation in giving it as our decision that such a declaration of insolvency as is involved in a resort to the Insolvent Debtors' Court for relief is quite incompatible with the maintenance of that high character for independence which we regard as essential in those filling offices of trust and authority in our service. We direct, therefore, that in the event of any one of our Civil Servants at any time availing himself of the means afforded by the Court to obtain relief from his liabilities, he be suspended from public employment and his case forthwith reported to us for final orders. You will give public notification to this effect in such way as you may think proper.'

3. You will consider these views as of general application under all our Governments.

London, 22nd March 1854."

No. 1323.

FINANCIAL DEPARTMENT.

Bombay Castle, 13th March 1877.

Letter from the Accountant General, No. G.—17145, dated 20th February 1877—Observing with reference to Government memorandum No. 872, dated 12th idem, that the course which should be followed by the Head of an Office in respect to any member of his establishment, who may have recourse to the Insolvent Court, is not clearly defined by the existing standing orders on the subject of insolvency; that the existing standing orders marginally quoted appear somewhat conflicting: the first recognises the discredit of the offence of insolvency as a sufficient cause for dismissal from the public service, but does not make dismissal an inevitable result of application to the Insolvent Court; the second directs (paragraph 8) that any clerk having recourse to the Insolvent Court will be deemed to have forfeited his appointment, and although it provides for the suspension of the defaulter as well as for a report of the particulars of the case to the Head of the Department concerned, yet all such temporary relaxations of the rule may be held to have been disallowed by Government Circular No. 6307, dated 17th November 1873, and a degree of uncertainty therefore prevails on the subject, it being doubtful whether or not under the last-mentioned circular an employé of Government having recourse to the Insolvent Court *ipso facto* forfeits his appointment; stating that cases may arise occasionally which justify the reservation made in the Notification of 1858, and as the Government of India have not gone beyond that Notification in the orders issued on the subject (*vide* Government of India, Home Department, No. 100, dated 12th January 1856), suggesting that the terms of that Notification may be regarded as the *standing orders* on insolvency, each case being reported to Government for orders, with a report of the circumstances that have led to the insolvent's embarrassments, and a recommendation for the relaxation of the dismissal clause, if such embarrassments have been the result of unforeseen misfortunes.

Government Notification, General Department, dated 10th December 1858, *Government Gazette*, page 907.

Government Notification, General Department, dated 7th November 1870, *Government Gazette*, page 1195.

RESOLUTION.—Government agree with the Accountant General that the orders of the Government of India * No. 100, dated 12th January 1856, are to be considered the standing orders which should guide the treatment of the cases of insolvency of Government servants, each case being reported to Government for orders, with a full statement of the circumstances that have led to the insolvent's embarrassments, and the opinion of the Head of the Office or Department whether any relaxation of the rule should be granted.

* "An uncovenanted servant taking the benefit of the Insolvent Act is to be dismissed the service, unless he can show that his insolvency was produced from causes over which he had no control" (*vide* Digest of Service Rules, paragraph 879).

No. 896.

GENERAL DEPARTMENT.

Bombay Castle, 30th March 1880.

Read again :—

Resolution of the Government of India, No. 100, dated 12th January 1856—Ruling that "an uncovenanted servant taking the benefit of the Insolvent Act is to be dismissed the service, unless he can show that his insolvency was produced from causes over which he had no control."

Government Resolution No. 1323, dated 13th March 1877, Financial Department—Directing that "the orders of the Government of India, No. 100, dated 12th January 1856, are to be considered the standing orders which should guide the treatment of the cases of insolvency of Government servants, each case being reported to Government for orders with a full statement of the circumstances that have led to the insolvent's embarrassments and the opinion of the Head of the Office or Department whether any relaxation of the rule should be granted."

Government Resolution No. 2799, dated 2nd October 1877, General Department—Directing that, in future, in cases of the insolvency of Government servants "the penalty of dismissal from Government service will be enforced strictly."

Government Resolution No. 5380, dated 17th September 1878, Judicial Department—Stating that it is "inexpedient and a bad precedent for Government to permit one of their servants to apply for the benefit of the Act. Whether he should apply or not must be left to the person's own discretion; if he does apply, it is then for Government to decide whether the rule regarding dismissal should be relaxed or not."

Government Resolution No. 5616, dated 17th September 1879, Judicial Department—Desiring the Accountant General to inform Government whenever a Government servant applies for the benefit of the Act, and directing that the pay of the individual should not be retrenched until Government had decided on dismissing him from their service.

RESOLUTION.—The attention of Government has been drawn to the increase in the number of cases of the insolvency of Government servants which has recently taken place. The policy to be adopted with regard to uncovenanted servants applying for the protection of the Insolvent Court is clearly shown in the orders cited in the preamble of this Resolution. Under these orders every such person is liable to be dismissed from the service of Government. Whether the dismissal should actually take place or not will depend on the particular circumstances of each case, which should therefore be always fully and carefully reported on.

2. With a view to secure uniformity in the issue of orders on the subject, the Hōnourable the Governor in Council is pleased to direct that whenever any application from a Government servant for the benefit of the Insolvent Act is received in any Department, the papers should be transferred with full particulars of the case, which should be verified, to the General Department, whence all orders disposing of such applications should be issued in future.

3. Copies of this Resolution should be communicated to all Departments of the Secretariat and all Heads of Offices for information and guidance.

Home Department dated 12th January 1856 and No. 300, dated 8th February 1880:—

"A public servant arrested for debt, or having recourse to the Insolvent Court, will be deemed to have forfeited his appointment, unless it can be proved that his embarrassment was the result of unforeseen misfortune or of circumstances over which he could have no control. This rule should be strictly observed, and every case should be reported to Government with a copy of the schedule filed in the Insolvent Court when recourse is had to that Court."

Insolvency of Government Servants: Standing orders regarding the —.

No. 381.

GENERAL DEPARTMENT.

Bombay Castle, 4th February 1884.

Resolution of the Government of India, Home Department (Public), No. 2-77—102, dated 19th January 1884:—

"READ—

Home Department Resolution No. 100, dated the 12th January 1856.

RESOLUTION.

In the Resolution of January 1856, cited above, Heads of Offices having establishments in the pay of Government were directed to impress upon their subordinates the discredit attaching to a resort to the Insolvent Court, and to warn them that such a proceeding would be considered as of itself constituting a sufficient cause for exclusion

from the public service unless it should appear that the embarrassments of the insolvent had been the result of unforeseen misfortunes or of circumstances over which he could exercise no control, and had not proceeded from dissipated and extravagant habits. By a Circular Memorandum No. 67-2816 to 2821, dated the 19th November 1874, Heads of Departments under the Government of India were requested to hold the Registrar or Head of the Office responsible for reporting to the Secretary in charge or to the Chief of the Department the insolvency of clerks or other assistants.

2. As there is reason to believe that the operation of these orders has to some extent been lost sight of, the Governor General in Council in reproducing them desires to direct the attention of all Local Governments and Heads of Departments to the imperative duty which devolves upon them of taking severe notice of the misconduct of clerks and other employés who allow themselves to fall into embarrassed circumstances. It is no valid excuse for hopeless indebtedness to show that it has been caused by standing security for friends, the plea which is frequently put forward in such cases. Assistants in Government offices should clearly understand that if they voluntarily contract debts or obligations which they are unable to meet, they render themselves liable to summary dismissal."

RESOLUTION.—The Resolution of the Government of India should be republished in the *Bombay Government Gazette* and copies of it should be forwarded to all Departments of the Secretariat and all Heads of Offices for information and guidance in continuation of Government Resolution No. 896, dated 30th March 1880.

2. A copy of this Resolution should be given to every clerk on first appointment to Government service, and it should be entered in the order book of every Government office.

Insolvency.

No. 648.

GENERAL DEPARTMENT.

Bombay Castle, 29th February 1888.

RESOLUTION.—*Prima facie* a Government servant becoming insolvent is subject to dismissal. It is only when the Head of his Department, when the proceedings in insolvency have been completed, reports that special circumstances entitle the insolvent to favour, that Government can relax the general rule.

Insolvency of Government servants : Question regarding the —.

No. 1444.

GENERAL DEPARTMENT.

Bombay Castle, 7th May 1888.

RESOLUTION.—Insolvency in the sense of the Resolutions of Government on that subject is equally a ground for dismissal from the public service, whether it is declared in the Insolvency Court at Bombay or in a Civil Court elsewhere under the Code of Civil Procedure. The state contemplated by Government arises whenever a debtor, being a servant of Government, applies to a Court for a suspension or interruption of the ordinary process of execution by a creditor on the ground of inability to pay his debts. The report is to be made when the application is disposed of by a final order.

Indebtedness of Government Servants : Orders regarding the.—

No. 4409.

GENERAL DEPARTMENT.

Bombay Castle, 23rd October 1889.

Resolution of the Government of India, Home Department (Public), No. 29—1770-92, dated 8th October 1889 :—

"Read again :—

Home Department Resolution No. 2-77 to 102 (Public), dated 19th January 1884.

RESOLUTION.

In the Resolution of January 1884, cited in the preamble, the Governor General in Council invited the attention of all Local Governments and Heads of Departments to the imperative duty which devolves on them of taking severe notice of the conduct of clerks and other employés who allow themselves to fall into embarrassed circumstances, and it was pointed out that assistants in Government offices should clearly understand that, if they voluntarily contract debts or obligations which they are unable to meet, they render themselves liable to summary dismissal.

2. His Excellency in Council has reason to fear that the tenor of these orders has not always been properly understood, and desires to supplement them by more definite instructions as to what constitutes such a state of indebtedness as to render it undesirable that a person should be retained in the public service. The Governor General in Council accordingly directs that where half the salary of a Government official is constantly being attached for debt, or has been continuously under attachment for more than two years, or is attached for a sum which, under ordinary circumstances, it will require more than two years to repay, a full schedule of the officer's debts should be obtained by the Head of the Office and the case dealt with in the same way as if the debtor had taken advantage of the Insolvency Court. In such cases it should be specially ascertained—

(1) what is the proportion of the debts to the salary and the extent to which they detract from the debtor's efficiency as a public servant;

(2) whether the debtor's position is irretrievable ;

(3) whether it is desirable under the circumstances to retain him—

(*a*) in the particular post he occupies, or

(*b*) in any position under Government.

It will be for Local Governments and the different Departments under the Government of India to issue subsidiary directions to officers subordinate to them as to the authority to which the schedule of debts and the report on it should be submitted for orders."

RESOLUTION.—The Resolution of the Government of India should be republished in the *Bombay Government Gazette* and copies of it forwarded to all Departments of the Secretariat and all Heads of Offices for information and guidance in continuation of Government Resolution No. 381, dated 4th February 1884.

2. A copy of this Resolution should be given to every clerk on first appointment to Government service and it should be entered in the order book of every Government office.

CIRCULAR.

No. 3596.

GENERAL DEPARTMENT.

Bombay Castle, 6th September 1890.

An instance having come to the notice of Government in which a Government servant, who had made an application for the benefit of the Insolvent Debtors' Act, was found to have delayed the speedy termination of the proceedings in his case, His Excellency the Governor in Council is pleased to direct that in future the applicant should carry on the necessary proceedings as expeditiously as the rules of the Court allow of. Should he fail to do so he will be held liable to suspension from office after six months from the date of the institution by him of proceedings.

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(21)

Insolvents.

No. 3256.

GENERAL DEPARTMENT.

Bombay Castle, 29th September 1881.

Transfer from the Judicial Department of the Secretariat, No. 6134, dated 17th September 1881, of the following papers :—

Letter from the Accountant General, No. P.A.-3514, dated 27th May 1881.—Reporting, with reference to Government Resolution, Judicial Department, No. 6086 of 9th October 1879, that Putlaji (*alias* Bhawoo) Krastnaji, a peon in the High Court, Original Side, has applied for the benefit of the Act for the relief of Insolvent Debtors.

Memorandum from the Prothonotary and Registrar, Original Jurisdiction, No. 161-A., dated 13th September 1881.—Submitting a report on the above; stating that the pay of Putlaji Krastnaji is Rs. 10 a month, but having been an old servant of the Honourable Mr. Justice Bayley, he receives from him Rs. 8 per month, thus getting a total salary of Rs. 18; and adding that his liabilities amount to Rs. 334-3-3, which he incurred chiefly by standing security for others and through insufficiency of income.

RESOLUTION.—Government do not consider it necessary to interfere in the case of menial servants.

Insolvents: Exemption of piece-work compositors from the rule regarding insolvency of Government servants.

No. 2301.

GENERAL DEPARTMENT.

Bombay Castle, 20th June 1882.

Letter from the Superintendent, Government Central Press, No. 1769, dated 10th June 1882.—Submitting an application from Ganpat Ramji, a piece-work compositor at the Press, for permission to apply for the benefit of the Insolvent Act; and recommending that under the circumstances stated therein the necessary permission may be granted.

B 1423—10

RESOLUTION.—Government have decided not to interfere in the case of menial servants (Government Resolution No. 3256, dated 29th September 1881), and the same principle should be applied to piece-work compositors.

Insolvency of Government Servants: Exemption of section-writers from the operation of the rule regarding the —.

No. 2557.

GENERAL DEPARTMENT.

Bombay Castle, 8th July 1882.

Memorandum by the Superintendent, General Department, Secretariat, dated 26th June 1882.—Stating that Mr. Ramchandra Narayan, one of the sectioners in the Revenue, Financial and General Departments (attached to the General Department), has applied for the benefit of the Insolvent Debtors' Act; intimating that the standing orders on the subject of the insolvency of Government servants are contained in Government Resolution No. 896, dated 30th March 1880; soliciting instructions as to whether Mr. Ramchandra should be permitted to remain in the service pending the hearing of his case by the Judge of the Insolvent Debtors' Court; and adding that Government have decided not to interfere in the case of menial servants (Government Resolution No. 3256, dated 29th September 1881) and piece-work compositors (Government Resolution No. 2301, dated 20th June 1882).

RESOLUTION.—The standing orders need not be applied to section-writers.

CIRCULAR.

No. 6727 OF 1883.

REVENUE DEPARTMENT.

Bombay Castle, 11th September 1883.

His Excellency the Right Honourable the Governor in Council is pleased to direct that officers returning from furlough or privilege leave should call at the Secretariat* on their arrival in Bombay and personally enquire their destination, as instances have occurred of officers proceeding straight to their last appointment though gazetted to another, long and expensive journeys, which might have been avoided by enquiry, being thus occasioned.

Vide Rule 6, Section 162, Chapter XVI of the Civil Leave Code.